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ABSTRACT

This report to the Nevada State Legislature examines policies related to graduation for students with disabilities and the state testing process. An introductory section notes relevant federal and Nevada legislation and regulations. The next section reviews current statutory, regulatory, and administrative requirements regarding Nevada state testing programs and graduation with either of two diploma options: standard diploma or adjusted diploma, a certificate of attendance, or by high school proficiency examination. The following section describes the process and chronology of the working group and identification of discussion topics. Recommendations are then offered regarding: (1) criteria for students with disabilities to graduate with a standard diploma; (2) accommodations and modifications for students with disabilities taking the high school proficiency examination; (3) other topics for students with disabilities; and (4) considerations of all students. Within each category recommendations are organized into those directed to the Nevada State Legislature, to the Nevada State Board of Education, and to the Nevada Department of Education. A summary highlights seven major findings of the working group. The law authorizing the working group, a summary of current graduation requirements, a list of currently allowed accommodations and modifications, and a matrix of detailed recommendations are appended. (DB)

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ED 466 044

Report of the Assembly Concurrent Resolution 16 Work Group on Graduation Requirements and Testing Accommodations for Students with Disabilities

Prepared for the 71st Session of the Nevada Legislature

January, 2001

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ASSEMBLY CONCURRENT RESOLUTION NO. 16
REPORT

I. INTRODUCTION

Nationally, efforts to raise standards and accountability to improve the educational system have had an impact on all students. On December 15, 2000, the U.S. Department of Education released the new Office for Civil Rights (OCR) Guidelines for Testing, The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers.

> *"Throughout the 1990s, national, state, and local education leaders focused on raising education standards and establishing strategies to promote accountability in education. In fact, the promotion of challenging learning standards for all students -- coupled with assessment systems that monitor progress and hold schools accountable--has been the centerpiece of the education policy agenda of the federal government as well as many states.*
>
> *At the same time the use of tests as part of high-stakes decision-making for students is on the rise. For example, the number of states using tests as a condition for high school graduation is increasing, with a majority of states projected to use tests as conditions for graduation by 2003 and several states now using tests as conditions for grade promotion."*

The nature and degree of the impact of these testing policies on specific student populations raises the following questions: How have these efforts impacted students with disabilities? Has reform served to raise educational achievement for students involved in special education? Recently published reports from national organizations identify potential stumbling blocks to accurate and consistent assessment of this impact. The national report, The Push and Pull of Standards-Based Reform: How Does it Affect Local School Districts and Students with Disabilities by the Center for Policy Research, 1998, identifies great variability among states and school districts in the definition for inclusion and curricula access, grading practices for students with disabilities, graduation requirements and policies for including students with "low incidence" or "high incidence" disabilities. The lack of standardized definitions to these basic special education concepts impacts local, state, and national efforts to accurately determine how recent educational reform efforts have affected students with disabilities.

Within Nevada, the Nevada Education Reform Act 1997 and its subsequent revisions, coupled with recent amendments to the federal Individuals with Disabilities Education Act (IDEA) have had an additional impact on Nevada's students with disabilities. The following factors contribute to this impact: the challenge of meeting individual student needs in the face of greater emphasis on academics and rigorous content in core subject areas; the new Individualized Educational Program's (IEP) focus on participation in general curriculum as opposed to merely the placement of students in general education classrooms; the increased inclusion of students with disabilities in statewide assessments; and the increased participation of students with disabilities in more rigorous tests of content proficiency as a condition of receipt of a standard diploma.

The combination of these state and local factors have yielded some preliminary data which may signal some concerns regarding the effect of state and local educational reform efforts on improving the education of students with disabilities in Nevada.

Standard vs. Adjusted Diploma Earnings

In 1994-95 and 1995-96 school years, 50% or more of students with disabilities exited school with a standard diploma. In the most recent school year, 1999-00, districts reported that only 22% of students with disabilities who were enrolled as seniors exited with a standard diploma, illustrating a drop of more than one half in obtaining a standard diploma over a three year period. As might be expected, districts have reported an increase in the percentage of students with disabilities graduating with an adjusted diploma.

Dropouts

In 1996-97 special education students comprised 10.2% of the total dropout count. In 1997-98, there was an increase to approximately 11%, and in 1998-99, the special education dropout proportion of the total dropouts increased to 12%. There has been a steady increase in the percent of special education students to the percent of total students who drop out of Nevada's schools.

High School Proficiency Examination (HSPE)

Most recent data from the October 2000 administration of the HSPE shows a significantly lower percentage of special education students passing the test in comparison to the general student population. For the first attempt in 11th grade, 11.6% special education students passed math vs. 56.7% general education students; 23% special education students passed reading vs. 73.2% general education students. This disparity is consistent with data from the past three years of test administration.

In view of the significant drop in the percentage of special education students graduating with a standard diploma, the increasing proportion of high school dropouts, and the disparate performance on high school proficiency tests, it is not surprising that the 1999 Legislature passed Assembly Concurrent Resolution No. 16 (ACR 16) to examine policies related to the matter of graduation for students with disabilities and the state testing process.

II. REQUIREMENTS OF ACR 16

The 1999 Nevada State Legislature passed ACR 16 urging the Department of Education to establish a Work Group to:

- Review the current criteria for a pupil with a disability to graduate from high school with a standard diploma and recommend any additional criteria; and
- Review and discuss which accommodations and modifications in the administration of the high school proficiency examination should be considered for pupils with disabilities.

The term "pupil" as referred to in ACR 16 includes students with disabilities as defined in state regulations (NAC 388) and federal law (Individuals With Disabilities Education Act).

In order to fulfill the requirements of ACR 16, it is important to review the current statutory, regulatory, and administrative requirements regarding state testing programs and graduation.

III. CURRENT STATUTORY, REGULATORY, ADMINISTRATIVE REQUIREMENTS REGARDING STATE TESTING PROGRAMS AND GRADUATION

Currently, students with disabilities have two diploma options.

- Standard Diploma
- Adjusted Diploma

In addition, students with disabilities may choose not to receive a diploma and obtain a Certificate of Attendance.

A. Graduation Requirements - Standard Diploma

The Nevada Revised Statutes (NRS) gives authority to the Nevada State Board of Education to set state requirements for high school graduation with a standard diploma (NRS 385.080). This includes the:

- **Number of credits** (Nevada Administrative Code (NAC) 389.664 establishes 22.5 credits);
- **Core courses required** (NAC 389.664 – increases the number of core courses to 15 credits for students graduating in 2003);
- **Subjects to be assessed** in the High School Proficiency Examination (HSPE) (NAC 389.655 – currently Reading, Mathematics, and Writing; Science to be added in 2001);
- **Course Content on which the HSPE is based** as recommended by the Council to Establish Academic Standards for Public Schools (Standards Council). (NAC 389.071, 389.076, 389.081: Writing, Reading, Mathematics are based on 1994 State Course of Study for students graduating by 2002; NAC 389.0515 amends the course content for students graduating in 2003);
- **Number of opportunities** available for students to take the HSPE (NAC 389.051); and
- **Minimum number of units required to be promoted** from grade to grade for those who entered high school in 1999 (NAC 389.659).

(Please refer to Appendix B for resource materials outlining these requirements and regulatory basis.)

As this information shows, there have been ongoing changes over the last several years in the requirements for achieving a standard high school diploma for students in Nevada.

B. **Graduation Requirements - Adjusted Diploma**

In December 1982, the Nevada State Board of Education approved an "adjusted diploma" option for youth with disabilities. This diploma reflects special requirements or adjusted standards (NAC 389.015) and these standards are prescribed by the student's IEP (NAC 389.698).

IDEA does not describe diploma options for students. The regulations for IDEA do state that a free appropriate public education (FAPE) continues for a student with a disability until the student has "graduated from high school with a regular high school diploma" (34 CFR §300.122 (a)(3)(i)). As this provision applies in Nevada, youth with disabilities who graduate with an adjusted diploma are entitled to return to school and receive FAPE until they receive a standard high school diploma or age out at 22 years of age.

C. **Certificate of Attendance**

In accordance with NAC 389.699, a certificate of attendance is available for a student who is 17 years of age or older if the student has satisfied all requirements for graduation except that the student has not passed one or more of the HSPE. While a student with a disability may opt to receive a certificate of attendance, it is not usually considered one of the options by the IEP committee as these students are eligible for an adjusted diploma.

D. **High School Proficiency Examinations (HSPE)**

With regard to the HSPE, students with disabilities have two choices.

- The student may take the examination created by the Nevada Department of Education under regular testing conditions (NRS 389.015(3)); or

- If the student with disabilities is unable to take this test under regular testing conditions, the student may, in accordance with NRS 389.015(4), take the examination with modifications and accommodations. These modifications and accommodations must be set forth in the student's IEP and from the options approved by the Nevada State Board of Education (NAC 389.051, 389.0515, 389.052,

389.054, 389.056, 389.0565, 389.057). NRS 389.015(8) states that the Nevada State Board of Education shall prescribe the modifications and accommodations that may be used in the administration of an examination to a student with a disability who is unable to take the examination under regular testing conditions. The Department specifies approved accommodations in the "Guidelines for the Conduct of the Nevada Proficiency Examination Program." Permissible accommodations and modifications listed in this publication for students with disabilities are included in the areas of setting, scheduling, directions, format, answer mode, and mechanical and non-mechanical aids.

IDEA states in §300.138 that students with disabilities are to be "included in general State and district-wide assessment programs, with appropriate accommodations and modifications in administration, if necessary..." Further, §300.347 requires that the IEP for a student with a disability must contain a statement of any individual modifications in the administration of state or district-wide assessments that are needed in order for the student to participate in the assessment.

IV. DESCRIPTION OF PROCESS AND CHRONOLOGY FOR ACR 16

A. Prior to convening the Work Group as identified in ACR 16, the Nevada Department of Education conducted the following activities to prepare and collect information for use by the Work Group. Comments and information received from the following activities were summarized and shared with the ACR 16 Work Group for consideration.

1. A review and discussion of the most critical issues regarding graduation requirements and proficiency testing for students with disabilities was conducted with a variety of groups as listed below.

   - ❖ Special Education District Administrators
   - ❖ Secondary Special Education Leadership Council
   - ❖ State Special Education Advisory Committee

2. Focus groups were convened in metropolitan and rural high school sites in the fall of 2000. Participants included students with disabilities, special education teachers, regular education teachers, administrators, parents, related service personnel, and interested parties.

3. In addition, the Nevada Department of Education received letters and comments from individuals and non-profit parent organizations.

B. In accordance with ACR 16, the Nevada Department of Education invited representatives from various entities throughout the state to participate in the ACR 16 Work Group. The Work Group met October 31 through November 1, November 20, and December 6, 2000.

Membership included individuals representing the following entities across Nevada:

- Eddie Bonine, Nevada Association of School Administrators
- Yvonne Brueggert, Nevada Disabilities Advocacy and Law Center
- Chris Cheney, UNR, Special Education
- Paul Davis, Washoe County School District
- Janice Florey, Test Director, Douglas County School District
- Gretchen Greiner, Special Education District Administrators
- Zachary Gross, Washoe County School District
- Judi Hamblin, Regular Education Teacher, Clark County School District, Clark County Education Association
- Nancy Kinder, Regional Trainer, Regional Professional Development Program
- Rae McAnlis, State Special Education Advisory Committee
- Dotty Merrill, Test Director, Washoe County School District
- Mary Nelson, Secondary Special Education Leadership Council
- Tom Pierce, UNLV, Special Education
- Brad Reitz, Clark County School District
- Linda Safford, Secondary Special Education Teacher, Pershing County School District
- Cheryl Schumacher, Nevada Parent Network
- Karen Taycher, Nevada Parents Encouraging Parents
- DeAnn Stout, Special Education Teacher, Clark County School District, Clark County Education Association
- Gillian Wells, Nevada Parents Encouraging Parents

In addition, the following individuals provided technical assistance during the ACR 16 Work Group meetings:

- Mindy Braun, Legislative Counsel Bureau, Fiscal Division
- Thomas Klein, Nevada Department of Education, Standards, Curricula and Assessments
- Paul LaMarca, Nevada Department of Education, Standards, Curricula and Assessments
- Jacquie Moore, Nevada Department of Education, Educational Equity
- Susan Scholley, Legislative Counsel Bureau, Research Division
- Kathy St. Clair, Nevada Department of Education, Educational Equity
- Richard Vineyard, Nevada Department of Education, Standards, Curricula and Assessments

Leadership was provided by:

- Gloria Dopf, Nevada Department of Education, Educational Equity
- Marsha Lakes, Nevada Department of Education, Educational Equity

C. Throughout the process members were encouraged to:

- ❖ Review information gathered from a variety of sources
- ❖ Identify and clarify additional issues for further discussion
- ❖ Develop recommendations
- ❖ Share issues and recommendations with representative organizations, report findings, validate issues, and solicit suggestions from respective organizations and agencies, and
- ❖ Assist in finalizing the ACR 16 report

The Work Group agreed to operate under a consensus model, whenever attainable. During the three meetings, consensus was reached on all but one issue--the use of computerized grammar check programs for students recording responses on the writing proficiency examination. (Please reference Section VII.B.10.)

At the close of the third meeting a second issue was raised with the leadership. This involved "reading" the reading test. (Please reference Section VII.A.2.)

As part of the review and comment on the proposed report, one Work Group member raised a concern regarding the equity, viability, and cost of an alternate assessment system for the HSPE (referenced in Section VI.A.2 and VI.B.3) as well as the cost of providing the broader array of accommodations (referenced in Section VII.B.)

V. DISCUSSION TOPICS FOR THE ACR 16 WORK GROUP

The ACR 16 Work Group identified several areas of concern related to graduation requirements and testing for students with disabilities. The major themes of these discussion topics included:

1. The current assessment model limits options for students with disabilities to demonstrate knowledge.

2. Transitional planning for students with disabilities should begin earlier in the student's educational career, be more comprehensive, and the process should include increased active participation by appropriately trained IEP committee members.

3. The emphasis on the same academic standards for all students has reduced the elective and occupational coursework options and transitional opportunities, for all students, particularly students with disabilities.

4. Additional clarification is warranted regarding the relationship of the 10 day absentee rule to absences caused by a student's disability due to health and/or behavior concerns. The 10 day absentee rule requires school staff to remove a student from the attendance records as soon as the student has missed 10 consecutive, unexcused days of school.

5. Due to a number of factors, students with disabilities do not always use permissible accommodations when taking proficiency tests. These factors

include, limited awareness of parents and school staff regarding what accommodations are permissible on a given test, failure to make a timely determination of what accommodations are needed for an individual student, and failure to provide the student time and opportunities to use the accommodations. An additional factor that effects students with disabilities performance on the proficiency test is the concept of unallowable accommodations. Under the current testing system, accommodations that if provided to a student would invalidate the test are not allowed. For example, students who have a reading disability, or are blind and unable to read, are not allowed to have a reader for the reading test.

6. Limited opportunities for remediation exist for students with disabilities who are unable to pass the HSPE.

7. Millennium Scholarships are available for students who have been residents for a minimum of two years, graduate from a public or private high school, maintain at least a 3.0 grade average, and are enrolled in at least 12 semester credits at a Nevada university or 6 semester credits at a Nevada community college. The criteria for a Millennium Scholarship, as adopted by the Nevada Board of Regents, adds the requirement of passage of all areas of the HSPE. Since many students with disabilities graduate with an adjusted diploma and do not pass all of the HSPE, this requirement significantly reduces the number of students with disabilities eligible to receive the scholarship; even though, these students may be eligible to attend classes within the university system.

Specific recommendations, as identified by the ACR 16 Work Group, which address these themes are included in Sections VI as follows. The recommendations are grouped according to the ACR 16 requirements: 1) criteria for students with disabilities to graduate from high school with a standard diploma; and 2) accommodations and modifications that should be considered for students with disabilities in the administration of the HSPE. Detailed discussion topics and recommendations are included in Appendix C.

VI. RECOMMENDATIONS REGARDING CRITERIA FOR STUDENTS WITH DISABILITIES TO GRADUATE FROM HIGH SCHOOL WITH A STANDARD DIPLOMA

A. RECOMMENDATIONS FOR NEVADA STATE LEGISLATURE CONSIDERATION AND POSSIBLE ACTION

1. In anticipation of "science" being added as a core content area, many students, particularly students with disabilities, will not have sufficient time to adequately prepare to meet the standards. **The Nevada State Legislature is encouraged to amend statutory language to begin testing science as an area to be assessed on the HSPE no earlier than 2003 for the class of 2005 for students with disabilities.**

2. **The Nevada State Legislature is encouraged to amend statutory language and allocate additional funds to allow use of alternative assessment programs in lieu of the High School Proficiency Examination (HSPE) for students with disabilities who can not**

appropriately participate in the current HSPE to allow them opportunities to demonstrate their skills and knowledge and have improved access to a standard diploma. This alternative system such as portfolios, performance-based measures, hands-on demonstration of knowledge, etc., may include more appropriate methods of assessing the student's abilities on the same content areas.

3. **The Nevada State Legislature should allocate additional funds to ensure that:**

   a) **Additional counselors are hired in order for there to be a sufficient number of counselors who are available to participate actively in the IEP process for transitional planning and advise students and families in a more proactive manner.**

   b) **Counselors and other IEP committee members should receive additional professional development opportunities to prepare them for this more active role.**

4. **The Nevada State Legislature is encouraged to amend statutory language to develop an occupational diploma for students with disabilities and to approve adequate resources to fund a pilot program for this new diploma.**

   a) Requirements for an additional diploma option should be identified for students with disabilities at a level consistent with a standard diploma. This option would require the demonstration of minimum competency skills in core academic areas of study and specific coursework in vocational areas in accordance with the student's interests.

   b) Students should be required to pass the proficiency examinations using a different cut score established for this diploma option or demonstrate proficiency on an alternate assessment if one is adopted.

   c) The diploma option should be equivalent to a standard diploma.

B. RECOMMENDATIONS FOR <u>NEVADA STATE BOARD OF EDUCATION</u> CONSIDERATION AND POSSIBLE ACTION

1. As options for graduation requirements (i.e., modification of the requirements for an adult diploma, earning units through distance education, etc.) are expanded for other populations, **the Nevada State Board of Education is encouraged to consider the needs of students with disabilities in contemplating these options.**

2. **The Nevada State Board of Education is encouraged to amend the current Nevada Administrative Code regulations to include language that allows the IEP committee process to modify existing requirements for individual students with disabilities in specific**

situations such as grade promotion. This would apply only for those students with disabilities who do not have the required number of credits in a timely manner to advance to the next grade level, take proficiency examinations, or participate in school activities.

3. If the Nevada Revised Statutes are amended, **the Nevada State Board of Education is encouraged to amend the NAC allowing alternative assessment programs in lieu of the HSPE to be implemented for students with disabilities who can not appropriately participate in the current HSPE to** allow them opportunities to demonstrate their skills and knowledge and have equal access to a standard diploma. This alternative system, including such techniques as portfolios, performance-based measures, hands-on demonstration of knowledge, etc., may include more appropriate methods of assessing the student's abilities on the same content areas.

4. **The Nevada State Board of Education is encouraged to amend NAC requiring the IEP committee to do transitional planning regarding the student's course of study at an earlier point in time.**

   a) Transition planning regarding course of study should occur prior to the student's transition to secondary education. Currently, the IEP committee is required to prepare a statement of the transitional services needed by the student prior to the student's age of 14 years if the IEP committee determines that the statement is appropriate for the student (NAC 388.284(e)). At a minimum, the IEP committee is required to prepare a statement of the necessary transitional services for a student at the age of 16 years, including interagency responsibilities or any other linkages needed (NAC 388.284(f)).

   b) Students should be encouraged to take core content classes in the general education environment in order to be exposed to coursework and strategies for preparing the student for passing the HSPE if pursuing a standard diploma.

5. Please refer to A.4. above regarding a recommendation to develop an additional diploma. **If the Nevada Revised Statutes are amended, the Nevada State Board of Education is encouraged to amend NAC accordingly.**

C. RECOMMENDATIONS FOR <u>NEVADA DEPARTMENT OF EDUCATION</u> CONSIDERATION AND POSSIBLE ACTION

1. **The Nevada Department of Education is encouraged to disseminate clarifying information on the relationship of absences due to disabilities and/or the manifestation of behaviors and discipline issues as it relates to the 10 day absentee rule.**

2. **The Nevada Department of Education should provide additional clarification for local school districts in review of the current**

requirements for transitional planning and provide technical assistance for local school districts. If the current timelines for transitional planning are amended, the Department is encouraged to provide clarification for local school districts on regulatory changes. Please refer to B.4 above for details of recommendation.

3. **The Nevada Department of Education is encouraged to provide technical assistance in deveioping additional professional opportunities for counselors and other IEP committee members to prepare them for a more active role in transitional planning.**

VII. RECOMMENDATIONS REGARDING ACCOMMODATIONS AND MODIFICATIONS THAT SHOULD BE CONSIDERED FOR STUDENTS WITH DISABILITIES IN THE ADMINISTRATION OF THE HSPE.

The ACR 16 Work Group recommends that the IEP committee should continue to be responsible for the identification of all necessary accommodations and modifications in accordance with the current edition of the *Guidelines for the Nevada Proficiency Examination Program* appropriate to meet the students' needs in determining the setting, timing, presentation, response, and all other areas for the administration of the HSPE. Accommodations and modifications should be limited to those that the student has typically used in the classroom on an ongoing basis and must be drawn from the list of accommodations approved by the Nevada State Board of Education or have subsequent Department of Education approval.

A. RECOMMENDATION FOR NEVADA STATE LEGISLATURE CONSIDERATION AND POSSIBLE ACTION

1. The HSPE should be available for administration on a computer for students with disabilities. **The Nevada State Legislature is encouraged to approve adequate funding in order to develop a computerized system at the state level and implementation of the system at the local level.** The Work Group did not feel that local school districts have funding to implement this system without sufficient support from the Nevada State Legislature.

2. The ACR 16 Work Group was unable to reach consensus regarding reading the reading test aloud for students with disabilities. A portion of the group recommended that **the Nevada State Legislature be encouraged to broaden the definition of "reading" to include auditory comprehension for those students who have a documented disability which precludes their decoding of the HSPE in reading.**

   Another part of the group did not support this position. Some members of the Work Group stated concerns with this and referenced the December 15, 2000 OCR document, The Use of Tests When Making High-Stakes Decisions for Students: A Resource Guide for Educators and Policy-Makers as the basis for this position. The OCR Guide assembled information regarding test measurement standards, legal principles, and resources to help educators and policy-makers frame strategies and

programs that promote learning to high standards in ways consistent with federal nondiscrimination laws.

The central principles reflected in the text of this guide are as follows:

First, the goals of promoting high educational standards and ensuring nondiscrimination are complementary objectives.

Second, when tests, including large-scale standardized tests, are used in valid, reliable, and educationally appropriate ways, their use is not inconsistent with federal nondiscrimination laws.

Third, a test score disparity among groups of students does not alone constitute discrimination under federal law.

The Guide states that the goal of the federal legal standards is to help promote accurate and fair decisions that have real consequences for students, not to dilute academic standards or deter educators from establishing and applying sensible and rigorous standards. In fact, properly understood, the legal standards are an aid to meaningful education reform--by helping to ensure that instruction and assessments are aligned and structured to promote the high-level skills and knowledge that rigorous standards promote for all children.

Test accommodations are intended to provide the student with disabilities the means by which to demonstrate the skills and knowledge being tested. This does not equate to a requirement to change, lower, waive or eliminate academic requirements or technical standards.

In summary, based upon these principles, certain members of the Work Group did not support reading aloud the reading test for students with disabilities except for students having disabilities that involve vision impairments. **If the Nevada State Legislature does not choose to broaden the definition of "reading" as specified above, the Legislature is encouraged to amend the statute to allow the reading test to be read aloud for students with disabilities that are diagnosed with vision impairments if this accommodation is made for this student during daily classroom instruction.**

B. RECOMMENDATIONS FOR **NEVADA STATE BOARD OF EDUCATION** CONSIDERATION AND POSSIBLE ACTION

The Nevada State Board of Education is encouraged to include the following allowable accommodations and modifications for students taking the proficiency examinations if the IEP committee recommends such use. In addition, the NAC should specify that test proctors be informed of IEP decisions regarding accommodations to assist students with disabilities regarding appropriate presentation options for students with disabilities.

1. Allow the student **freedom to move, stand or pace during individual administration of the proficiency examination.**

2. Allow the student to have **soft calming music playing in the background during an individual administration of the proficiency examination.**

3. Allow more **flexibility for breaks with completion of the examination within a maximum of two days for each content area.**

4. Allow the use of **augmentative communication devices**.

5. Allow the use of **text talk converters if recommended by the IEP committee as required for the student**.

6. Allow the **directions and the test items to be read to the student by a computer or orally by an individual who has been appropriately trained in the use of standardized proctoring practices during administration of the math and science (when implemented) proficiency examination.**

7. Allow the use of **spell checking techniques in preparing responses to the test items on the writing proficiency examination**.

8. Allow the use of **tape recorders in preparing responses to the test items on the writing proficiency examination**. Currently students are allowed to use tape recorded responses on the math and reading proficiency examinations.

9. **Continue** to allow the use of a **word processor or computer to record responses**.

10. The ACR 16 Work Group was unable to reach consensus on the use of computerized grammar check programs for students recording responses on the writing proficiency examination. The majority of the Work Group recommended that **grammar check programs** be included as an allowable accommodation and modification.

11. The use of **calculators should remain** as an approved accommodation and modification for recording students responses on the math and science (when implemented) proficiency examinations.

12. Students with disabilities should be **instructed on additional test taking strategies.**

C. RECOMMENDATIONS FOR **NEVADA DEPARTMENT OF EDUCATION** CONSIDERATION AND POSSIBLE ACTION

It is important to note that during the course of meetings of the ACR 16 Work Group, representatives of the Nevada Department of Education, Standards, Curricula and Assessments (SCA) Team actively participated in the discussions

as technical assistants. A great deal of time was spent reviewing the current allowable accommodations and modifications (Guidelines for the Nevada Proficiency Examination Program, Permissible Accommodations Effective for 2000-2001 School Year Only) and discussing additional accommodations and modifications recommended for consideration. As a result of these discussions, members of the SCA Team agreed to amend the current document and consider the additional accommodations and modifications listed in Appendix C for the 2001-2002 school year. Accommodations and modifications are limited to those that the student has typically used in the classroom on an ongoing basis and must be drawn from the list of accommodations approved by the Nevada State Board of Education or have subsequent Nevada Department of Education approval. Accommodations and modifications must also be identified as necessary by the IEP committee through the IEP process.

1. **A process should be expanded by the Nevada Department of Education to ensure that the decision at the state level regarding the approval of appropriate accommodations and modifications is made with consideration of information received from the IEP committee in addition to maintaining the validity of the test.** This process should include procedures to ensure that test directors and IEP committee members receive appropriate training.

2. The IEP committee should receive more timely information regarding the list of approved accommodations and modifications and options for possible consideration for individual students. Public awareness strategies and improved distribution methods of information should be reviewed and adjusted. **The Nevada Department of Education is encouraged to:**

   a) **Update the current guidelines and add a date of the revisions on the cover of the revised document**. (Please refer to Appendix C.)

   b) **Widely disseminate the document and develop a process of public awareness that adequately communicates any revisions to site based personnel**.

   c) **Distribute the document in a timely manner such that it is available for IEP committee members in the spring of the year preceding the coming school year for the student**.

3. **The Nevada Department of Education is encouraged to issue a technical assistance document clarifying the approval process when the IEP committee is pursuing an accommodation or modification that is not on the list of approved accommodations or modifications.**

   Clarification should specifically address the following:

   a) All requests for use of accommodations and modifications must be submitted for individual students. Approved accommodations and

modifications apply only to the individual student for whom it was approved.

b) An accommodation or modification approved by the Nevada Department of Education for an individual student does not need additional approval if the IEP determines that the need of the student for the accommodation has not changed and there has been no change in the content of the proficiency examination.

VIII. RECOMMENDATIONS REGARDING OTHER TOPICS THAT SHOULD BE CONSIDERED FOR STUDENTS WITH DISABILITIES

A. RECOMMENDATION FOR **NEVADA STATE LEGISLATURE AND THE BOARD OF REGENTS** CONSIDERATION AND POSSIBLE ACTION

1. **The Nevada State Legislature is encouraged to amend statutory language to clarify that resources to support state funded remediation programs are intended for students with disabilities who are not able to pass the HSPE, as well as other eligible students.**

2. Millennium Scholarships

a) **The Nevada State Legislature is encouraged to clarify if it intended to allow students with disabilities who graduate with an adjusted diploma to be eligible for a Millennium Scholarship.**

b) **The Board of Regents is encouraged to modify the criteria to accept an adjusted diploma as eligibility for a Millennium Scholarship.** If this is not an option, **the Board of Regents should consider establishing criteria to award a Millennium Scholarship to eligible students with disabilities who have completed high school and been awarded an adjusted diploma and who successfully complete 12 units of coursework in a university or community college setting within the University and Community College System of Nevada in accordance with the current requirements for the Millennium Scholarship.** Further, **it is recommended that the student should receive the scholarship benefit retroactively.**

B. RECOMMENDATIONS FOR **NEVADA DEPARTMENT OF EDUCATION** CONSIDERATION AND POSSIBLE ACTION

1. **The Nevada Department of Education is encouraged to assist local school districts to ensure that if a remediation program or service exists within a school system, students with disabilities have equal access to appropriate remediation services.** The necessary supports to access remediation services should be provided through the student's special education service system as identified on the IEP using state and/or federal special education funding.

2. **The Nevada Department of Education should include a more aggressive timeline in the next request for proposals (RFP) process for contracted services to require quicker return of test results to local school districts and the Nevada Department of Education.**

IX. RECOMMENDATIONS THAT SHOULD BE CONSIDERED FOR ALL STUDENTS.

These recommendations were determined to be outside the scope of the ACR 16 Work Group; however, the Work Group recommended that these be forwarded as a part of the report for consideration.

1. **The Nevada State Legislature is encouraged to approve adequate funding to ensure that the HSPE is available for administration on a computer for <u>all</u> students.**

2. **The Nevada State Legislature is encouraged to amend statutory language to begin testing science as an area to be assessed on the HSPE no earlier than 2003 for the class of 2005 for <u>all</u> students.**

3. **The Nevada State Legislature is encouraged to amend statutory language to develop an additional option for an occupational diploma for all students and to approve adequate resources to fund a pilot program.** Please refer to VI.A.4 for further details.

4. **The Nevada State Board of Education is encouraged to allow the use of calculators by all students as an approved accommodation and modification for students on the math and science (when implemented) proficiency examinations.**

X. SUMMARY

In summary, the ACR 16 Work Group completed a comprehensive review of the elements identified in ACR 16. Extensive time was allocated to discussions and topical reviews. Throughout the process, members of the ACR 16 Work Group were requested to maintain ongoing contact with representative organizations to review the draft documents and collect additional input for inclusion in the recommendations. The recommendations contained in this document represent a consensus of the group unless otherwise noted. Highlights of findings include:

1. **Alternate assessment programs in lieu of the HSPE should be funded and implemented for students with disabilities who can not appropriately participate in the current HSPE to** allow them opportunities to demonstrate their skills and knowledge and have equal access to a standard diploma.
(Nevada State Legislature: additional resources and amendment of statute)

2. **NAC should be amended to require that transitional planning for students with disabilities be more comprehensive and begin earlier than age 14 years.**
(Nevada State Board of Education: amendment of code; Nevada Department of Education: clarification and technical assistance)

3. **An additional occupational diploma option comparable to a standard diploma should be available for students with disabilities.**
(Nevada State Legislature: additional resources to fund a pilot program for this new diploma and amendment of statute)

4. Students with specific disabilities should be allowed to use accommodations and modifications on the proficiency examinations that would allow students the opportunity to pass the examinations and obtain a standard diploma. Further, accommodations and modifications that are identified by the IEP committee and that the student has typically used in the classroom on an ongoing basis should be allowed.

   a) Areas on which consensus was reached include the:

      1) Continued use of a **calculator on the mathematics examination**,
      2) Use of **additional breaks for completion of the examination within a maximum of two days for each content area**,
      3) **Freedom to move, stand, or pace during individual administration** of the test,
      4) **Soft calming music playing in the background during an individual administration** of the proficiency examination,
      5) Use of **augmentative communication devices**,
      6) Use of **text talk converters**,
      7) **Directions and the test items to be read to the student by a computer or orally** by an individual who has been appropriately trained in the use of standardized proctoring practices during the administration of the **math and science (when implemented)** proficiency examination, and
      8) Use of **spell checking techniques**.

   (Nevada State Board of Education: expansion of allowable accommodations and modifications; Nevada Department of Education: amendment of guidelines, increased dissemination of guidelines document, and technical assistance.)

   b) In addition, the majority of the Work Group recommended the following; however, consensus on this item was not reached as referenced in Section VII.B.10.

      Computerized grammar check programs for students recording responses on the writing proficiency examination should be included as allowable accommodations and modifications.

5. As referenced in Section VII.A.2, the Work Group was **unable to reach consensus on the issue of reading aloud the reading test.**

   a) The majority of the Work Group felt strongly that the use of accommodations and modifications should not be denied on the basis of invalidating the test when the manifestation of the disability prevents the student from demonstrating skills and knowledge without the use of the accommodation and/or modification. Further, this group felt that the **Legislature should be encouraged to broaden the definition of**

"reading" to include auditory comprehension for those students who have a documented disability, which precludes their decoding of the HSPE in reading.

b) Another part of the group did not support reading aloud the reading test for students with disabilities except for students with disabilities that involve vision impairments. **If the Nevada State Legislature does not choose to broaden the definition of "reading" as specified above, the Legislature is encouraged to amend the statute to allow the reading test to be read aloud only for students with disabilities that are diagnosed with vision impairments if this accommodation is made for this student during daily classroom instruction.**
(Nevada State Legislature: amendment of statute)

6. **Science as an area to be assessed on the HSPE for students with disabilities should begin no earlier than 2003 for the class of 2005.**
(Nevada State Legislature: amendment of statute)

7. **Additional remediation services should be available for students with disabilities who are not able to pass the HSPE.**
(Nevada State Legislature: additional resources and amendment of statute; Nevada Department of Education: technical assistance)

APPENDICES

A. Copy of ACR 16
B. Summary of Applicable Statutory, Regulatory and Other Requirements Regarding Graduation and High School Proficiency Examinations
C. Copy of Current Accommodations and Modifications List
D. Matrix of Detailed Recommendations

APPENDIX A

Copy of ACR 16

Assembly Concurrent Resolution No. 16–Committee on Education

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Urging the Department of Education to establish an advisory group to review the requirements for a pupil with a disability to graduate from high school with a standard diploma.

Whereas, The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq., is the federal law which seeks to ensure that children with disabilities have access to a free appropriate public education; and

Whereas, Providing a free appropriate public education to pupils with disabilities who reside in Nevada is an essential element of fulfilling this state's important goal of ensuring equality of opportunity, full participation, independent living and economic self-sufficiency for persons with disabilities; and

Whereas, Pursuant to IDEA and the regulations adopted by the State Board of Education to carry out IDEA, an individualized education program must be developed for each pupil with a disability that includes a written statement of the annual goals for the pupil which must be designed to enable the pupil to participate and progress in the general curriculum; and

Whereas, An individualized education program for a pupil with a disability must also include a statement of the modifications, if any, in the administration of statewide examinations of pupil achievement that are necessary for the pupil with a disability to participate in the examinations; and

Whereas, If the team of persons developing a pupil's individualized education program determines that the pupil will not participate in a particular statewide examination or a particular part of a statewide examination, the individualized education program must include a statement explaining why the examination is not appropriate for the pupil and how the pupil will otherwise be tested; and

Whereas, Nevada law requires the administration of achievement and proficiency examinations to pupils who are enrolled in public schools before the completion of grades 4, 8, 10 and 11; and

Whereas, Nevada law prohibits the issuance of a diploma to a pupil until he has passed the high school proficiency examination; and

Whereas, The State Board of Education has adopted regulations providing that a pupil with a disability is entitled to graduate from high school with an adjusted diploma if he fulfills all the requirements which are outlined in his individualized education program but does not otherwise fulfill the requirements for a standard diploma; and

Whereas, These statutes and regulations have been interpreted so that a pupil with a disability cannot graduate from high school with a standard diploma if his individualized education program:

1. Exempts him from taking the high school proficiency examination; or

2. Requires the pupil to take the examination with modifications or accommodations that are not considered appropriate for graduation from high school with a standard diploma; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate

Concurring, That the members of the 70th session of the Nevada Legislature hereby urge the Department of Education to establish an advisory group consisting of special education teachers, other teachers, administrators in the public schools, parents of pupils who are enrolled in programs of special education, members of the staff of the Department of Education and members of the staff of the Legislative Counsel Bureau to review this issue and recommend any additional criteria by which a pupil with a disability should be eligible to graduate from high school with a standard diploma; and be it further

Resolved, That the Department of Education is also urged to ask the advisory group to consider which accommodations and modifications in the administration of the high school proficiency examination to pupils with disabilities should be determined appropriate for graduation from high school with a standard diploma, including, without limitation, the acceptable use of calculators and spell checkers and the provision of oral testing; and be it further

Resolved, That if such an advisory group is established during the 1999-2001 legislative interim, the Department of Education is directed to submit a copy of any findings and recommendations on this subject by the advisory group to the Director of the Legislative Counsel Bureau for transmittal to the 71st session of the Nevada Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Superintendent of Public Instruction and the President of the State Board of Education.

APPENDIX B

SUMMARY OF APPLICABLE STATUTORY, REGULATORY AND OTHER EQUIREMENTS REGARDING GRADUATION AND HIGH SCHOOL PROFICIENCY EXAMINATIONS

Graduating from High School in Nevada

Accommodations for Youth with Disabilities and the High School Proficiency Examination

State Requirements For Accommodations	Statutory Nevada Revised Statutes (NRS)	Regulatory Nevada Administrative Code (NAC)	Other
Allows modifications and accommodations that are approved by private entity or the Nevada Department of Education. Allows addition time if part of IEP	NRS 389.015 (4) Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities.	NAC 389.0565 Use of calculator if IEP specifies that he may use a calculator for assessment purposes.	Guidelines for the Conduct of the Nevada Proficiency Examination Program 2000-2001 (NDE) Describes allowable accommodations on High School Proficiency Examination.
Allows modifications and accommodations beyond those approved by private testing entity or the department if the student is unable able to take examination under regular testing conditions.	NRS 389.015 (8) State Board to prescribe		Individuals with Disabilities Education Act (IDEA) §300.138 Children with disabilities are included in general State and district-wide assessment programs with appropriate accommodations and modification in administration if necessary. §300347. Content of IEP: a statement of any individual modifications in the administration of State or district-wide assessments that are needed in order for the child to participate in the assessment. Office of Special Education Programs (OSEP) Memorandum 00-24 Questions 8 & 9

Graduating from High School in Nevada

Adjusted High School Diploma

State Requirements For Graduation	Statutory Nevada Revised Statutes (NRS)	Regulatory Nevada Administrative Code (NAC)	Other
Diploma which evidences graduation from high school of a handicapped pupil after he has met special requirements or adjusted standards.		State Board adopted NAC 389.015 NAC 389.698 An adjusted diploma may be earned by any handicapped pupil who meets the standards prescribed by his plan.	

Certificate of Attendance

State Requirements For Graduation	Statutory Nevada Revised Statutes (NRS)	Regulatory Nevada Administrative Code (NAC)	Other
Certificate that evidences that student has met all requirements for graduation except that the student has not passed one or more of the high school proficiency examinations.	NRS 385.080 Authority to State Board NRS 389.015 State board to prescribe standard examinations of achievement and proficiency	NAC 389.699 State Board of Education Certificate of attendance must be issued to a pupil who is 17 years of age or older if the pupil has satisfied all requirements for graduation except that the pupil has not passed one or more of the high school proficiency examinations.	

Graduating from High School in Nevada
Standard High School Diploma

State Requirements For Graduation	Statutory Nevada Revised Statutes (NRS)	Regulatory Nevada Administrative Code (NAC)	Other
Number of credits (units) required for standard diploma: 22.5	NRS 385.080 Authority to State Board NRS 385.110 State board to prescribe	NAC 389.664 To receive standard high school diploma	
Core Courses required for standard diploma	NRS 385.080 Authority to State Board NRS 385.110 State board to prescribe	NAC 389.664 To receive standard high school diploma	2003 --number of units required increases to 15
High School Proficiency Examination (HSPE) Subjects (passing score)	NRS 385.080 Authority to State Board NRS 389.015 State board to prescribe standard examinations of achievement and proficiency	NAC 389.655 Pupil must not be given a standard diploma until he has passed: reading, mathematics, writing. 2003 add science	2003: -- Passing Scores to be determined by State Board --Science added
HSPE based on content: Graduating by 2002: 1994 Course of Study -------- Graduating by 2003: State Content Standards	NRS 385.080 Authority to State Board NRS 385.110 State board to prescribe -------- NRS 389.550 State board to prescribe in consultation with Standards Council	NAC 389.071 Writing NAC 389.076 Reading NAC 389.081 Mathematics ------ NAC 389.0515 measure achievement in standards	NDE Work Groups Item Writers (teachers from around state) Bias Review Committee
HSPE Availability (number of opportunities to take examination)	NRS 385.080 Authority to State Board NRS 389.015	NAC 389.051 Times for administration	
Other: minimum number of credits required to be promoted from grade to grade (in effect for those who entered high school 1999)	NRS 385.080 Authority to State Board	NAC 389.659 Units required for promotion to next higher grade level.	

APPENDIX C

Accommodation(s) for the Nevada Proficiency Examination Program
Permissible Accommodations
Effective for 2001-2002 School Year Only
(Copy attached)

DRAFT ADDENDUM

In addition to the accommodations and modifications listed on the document referenced above (copy attached), the ACR 16 Work Group recommended and representatives of the Nevada Department of Education, Standards, Curricula, and Assessments Team agreed to consider the following accommodations as specifically indicated below.

The IEP Team should be responsible for identifying the necessary accommodations and modifications in accordance with the current edition of the Guidelines for the Nevada Proficiency Examination Program appropriate to meet the students needs in determining the setting, timing, presentation, response, and all other areas for the administration of the exam. Accommodations and modifications are limited to those that the student has typically used in the classroom on an ongoing basis and must be drawn from the list of accommodations approved by the State Board of Education or have interim Nevada Department of Education approval.

Assistance Prior to Administering the Test

- Teach test-taking skills
- Administer practice activities

Motivational Accommodations

- Provide treats, snacks or prizes as appropriate
- Provide verbal encouragement of student's efforts
- Encourage student who may be slow at starting to begin
- Encourage student who may want to quit to sustain effort longer
- Encourage student to remain on task

Accommodation in Test Scheduling

- Allow more flexibility for breaks with completion of the exam within a maximum of two days for each content area

Accommodation in Test Directions

- Allow the directions of the test for math and science (when implemented) to be read to the student by a computer or orally by an individual who has been appropriately trained in the use of standardized proctoring practices.

Accommodations in Test Answer Mode

- Allow the use of spell checking techniques in preparing responses to the test items on the writing proficiency exam
- Allow the use of tape recorders for recording responses on the writing proficiency exam

Mechanical and Non-Mechanical Aids

- Allow the option of using a text talk converter for the math test only

APPENDIX D

DETAILED RECOMMENDATIONS MATRIX

I. RECOMMENDATIONS REGARDING CRITERIA FOR STUDENTS WITH A DISABILITY TO GRADUATE FROM HIGH SCHOOL WITH A STANDARD DIPLOMA

1. RECOMMENDATIONS FOR **LEGISLATIVE** CONSIDERATION AND POSSIBLE ACTION

#	DISCUSSION TOPIC	RECOMMENDATIONS
I1A	In anticipation of "science" being added as a core content area, many students, particularly students with disabilities, will not have sufficient time to adequately prepare to meet the standards.	Implementation of the inclusion of science as an area to be assessed on the high school proficiency exam should begin no earlier than with the class of 2005 (testing to begin 2003) to count for graduation requirements. This recommendation is targeted for all students; however, critical for students with disabilities. The Nevada State Legislature is encouraged to amend statutory language to reflect the recommended timelines.
I1B	The current assessment model limits options for students with disabilities to demonstrate knowledge (Need opportunities such as portfolios, performance-based measures, hands-on demonstration of knowledge.)	The Nevada State Legislature is encouraged to amend statutory language to allow use of alternative assessment techniques for determining performance of a student with disabilities to enable the student to have equal access to a standard diploma. This alternative system such as portfolios, performance-based measures, hands-on demonstration of knowledge, etc., may be more appropriate methods of assessing the student's abilities on the same content areas.
I1C	TRANSITION PLANNING THAT PREPARES THE STUDENT TO PASS THE HSPE There are insufficient numbers of counselors available to have sufficient time to be more actively involved in transition planning as a part of in the IEP process and advising students with disabilities and their families about coursework, choices, and preparing for the high school proficiency exams. a) IEP teams are not addressing the need for students with disabilities to take specific coursework in preparation for the proficiency exams early enough in the student's educational career and/or successfully encouraging the student in making better choices. (Example: Student may be enrolled in Basic math which is not required to have emphasis in specific content areas rather than courses such as Algebra, Trigonometry, etc., that specifically address content areas tested on high school proficiency exams.) b) Many counselors and other IEP team members are not adequately prepared to be more actively involved in the IEP process.	The Nevada State Legislature should allocate additional funds so that additional counselors are hired in order for there to be a sufficient number of counselors who are available to actively participate in the IEP process for transitional planning and advise students and families in a more proactive manner. In addition, funds should be allocated so that counselors and other IEP team members receive additional professional development opportunities to prepare them for this more active role.

#	DISCUSSION TOPIC	RECOMMENDATION
I1D	The emphasis on the same academic standards for all students has reduced the elective and occupational coursework options, transitional opportunities, and opportunities to receive a standard diploma resulting in a disparate impact on all students, particularly students with disabilities. As a result, some students with disabilities who do not pass the proficiency exam and/or the required coursework are often discouraged and give up (i.e., drop out, skip classes, etc.)	The Nevada State Legislature is encouraged to amend statutory language to develop an additional option for a diploma for students with disabilities and to approve adequate resources to fund a pilot program. a) Requirements for an additional diploma option should be identified **for students with disabilities** at a level consistent with a standard diploma requiring the demonstration of minimum competency skills in core academic areas of study and specific skills in vocational areas in accordance within the student's interests. b) Students should be required to pass the proficiency exams using a different cut score established for this diploma option or demonstrate proficiency on an alternate assessment should one be adopted. c) The diploma option should be equivalent to a standard diploma.

2. RECOMMENDATIONS FOR **Nevada State Board of Education**

#	DISCUSSION TOPIC	RECOMMENDATION
I2A	Planning and discussions to date regarding the number of credits and a review of competencies for the development of an adult diploma and other discussions regarding distance education have specifically not addressed the inclusion of students with disabilities.	As the options are expanded for other populations regarding the development of an adult diploma, distance education, etc., the Nevada State Board of Education is encouraged to consider these same opportunities for students with disabilities as part of these groups.
I2B	Some students with disabilities don't have the required number of credits in a timely manner to advance to the next grade level, take the proficiency exams, or participate in school activities.	The Nevada State Board of Education is encouraged to amend the current Nevada Administrative Code regulations to include language that allows the IEP team process to modify existing requirements for individual students with disabilities in specific situations such as grade promotion.
I2C	Current assessment model limits options for students with disabilities to demonstrate knowledge (Need opportunities such as portfolios, performance-based measures, hands-on demonstration of knowledge.)	If the Nevada Revised Statutes are amended, the Nevada State Board of Education should amend NAC allowing alternative assessment techniques to be used for determining performance of a student with disabilities to enable the student to have equal access to a standard diploma. This alternative system such as portfolios, performance-based measures, hands-on demonstration of knowledge, etc. may be more appropriate methods of assessing the student's abilities on the same content areas.
I2D	TRANSITION PLANNING THAT PREPARES THE STUDENT TO PASS THE HSPE IEP teams are not addressing the need for students with disabilities to take specific coursework in preparation for the proficiency exams early enough in the student's educational career and/or successfully encouraging the student in making better choices. (Example: Student may be enrolled in Basic math which is not required to have emphasis in specific content areas rather than courses such as Algebra, Trigonometry, etc. that specifically address content areas tested on high school proficiency exams.)	The Nevada State Board of Education should amend NAC requiring the IEP team to do transitional planning regarding the student's course of study at an earlier point in time. 1) Transition planning should occur prior to the student's transition to secondary education. 2) Students should be encouraged to take core content classes in the general education environment regarding coursework, standards, and strategies for preparing the student for passing the high school proficiency exams if pursuing a standard diploma. 3) In addition, transition planning should be incorporated into the discussions that occur during the 8th grade as required by current state and federal law regarding course completion, promotion, etc.
I2E	The emphasis on the same academic standards for all students has reduced the elective and occupational coursework options, transitional opportunities, and opportunities to receive a standard diploma resulting in a disparate impact on all students, particularly students with disabilities. As a result, some students with disabilities who do not pass the proficiency exam and/or the required coursework are often discouraged and give up (i.e. drop out, skip classes, etc.).	The Nevada State Legislature is encouraged to amend statutory language and the Nevada State Board of Education is encouraged to amend corresponding regulations to develop an additional option for a diploma for students with disabilities. a) Requirements for an additional diploma option should be identified **for students with disabilities** at a level consistent with a standard diploma requiring the demonstration of minimum competency skills in core academic areas of study and specific skills in vocational areas in accordance within the student's interests. b) Students would be required to pass the proficiency exams using a different cut score established for this diploma option or demonstrate proficiency on an alternate assessment should one be adopted. c) The diploma option would be equivalent to a standard diploma.

3. RECOMMENDATIONS FOR **Nevada Department of Education** CONSIDERATION AND POSSIBLE ACTION

#	DISCUSSION TOPIC	RECOMMENDATION
I3A	Absentee Policies: a) Students with disabilities are losing credits when the manifestations of their disabilities result in an absence from classes; thus lowering the student's grades . b) Implementation of NRS 392 is inconsistent statewide. c) Additional clarification is needed regarding discipline enforcement issues.	a), b), and c) The Nevada Department of Education is encouraged to disseminate clarifying information on the relationship of absences due to disabilities and/or the manifestation of behaviors and discipline issues as it relates to the 10 day absentee rule.
I3B	TRANSITION PLANNING THAT PREPARES THE STUDENT TO PASS THE HSPE a) IEP teams are not addressing the need for students with disabilities to take specific coursework in preparation for the proficiency exams early enough in the student's educational career and/or successfully encouraging the student in making better choices. (Example: Student may be enrolled in Basic math which is not required to have emphasis in specific content areas rather than courses such as Algebra, Trigonometry, etc. that specifically address content areas tested on high school proficiency exams.) b) Many counselors and other IEP team members are not adequately prepared to be more actively involved in the IEP process.	a) The Nevada Department of Education should provide additional clarification for local school districts in review of the current requirements for transitional planning and provide technical assistance for local school districts. If the current timelines for transitional planning are amended, the Department is encouraged to provide clarification for local school district on regulatory changes. 1) Transition planning should occur prior to the student's transition to secondary education. 2) Students should be encouraged to take core content classes in the general education environment regarding coursework, standards, and strategies for preparing the student for passing the high school proficiency exams if pursuing a standard diploma. 3) In addition, transition planning should be incorporated into the discussions that occur during the 8th grade as required by current state and federal law regarding course completion, promotion, etc. b) The Nevada Department of Education is encouraged to provide technical assistance in developing additional professional opportunities for counselors and other IEP team members to prepare them for this more active role.

II. RECOMMENDATIONS REGARDING ACCOMMODATIONS AND MODIFICATIONS THAT SHOULD BE CONSIDERED FOR STUDENTS WITH DISABILITIES IN THE ADMINISTRATION OF THE HIGH SCHOOL PROFICIENCY EXAMINATION.

Some students with specific disabilities (i.e., dyslexia, inability to write, etc.) are not consistently allowed to use appropriate accommodations/modifications on the proficiency exams which would allow students the opportunity to pass and obtain a standard diploma. The IEP team should be responsible for the identification of all necessary accommodations and modifications in accordance with the *Guidelines for the Nevada Proficiency Examination Program* appropriate to meet the students needs in determining the setting, timing, presentation, response, and all other areas for the administration of the high school proficiency exam. Accommodations and modifications should be limited to those that the student has typically used in the classroom on an ongoing basis and must be drawn from the list of accommodations approved by the Nevada State Board of Education or have interim Department of Education approval.

1. RECOMMENDATIONS FOR **Nevada State Legislature** CONSIDERATION AND POSSIBLE ACTION

#	DISCUSSION TOPIC	RECOMMENDATION
II1A	Limited accommodations allowed in **other areas including computerized testing.**	The high school proficiency exam should be available for administration on a computer for students with disabilities. The Nevada State Legislature is encouraged to approve adequate funding to support the development of the system at the state level and implementation of the system at the local level.

II1B	Some students with specific disabilities (i.e. learning disabilities, inability to read, etc.) are not consistently allowed to use accommodation and/or modifications on the proficiency exams which would allow students the opportunity to pass and obtain a standard diploma due to a number of factors. These factors include the approval process, limited public awareness of the allowable accommodations and modifications, timeliness of information, etc. An additional factor includes a threshold-testing standard that an accommodation should not invalidate the performance of the skills that are being measured. For example, some students with specific disabilities (reading disabilities and blindness) are not allowed the accommodation of having the exam read to them on the reading examination since this is perceived as invalidating the intent of the test. In summary, accommodations that are allowed in setting, timing and scheduling, presentation and response are often more limited than what is available to the student for classroom structure and constrained by not being able to invalidate the skill being assessed.	The Nevada State Legislature is encouraged to broaden the definition of "reading" to include auditory comprehension for those students who have documented disability which precludes their decoding of the high school proficiency examination in reading. The ACR 16 Work Group was unable to reach consensus on this issue. Another part of the group did not support this position. Some members of the Work Group stated a concern with this and referenced the December 15, 2000 OCR document, The Use of Tests When Making High-Stakes Decisions for Students, A Resource Guide for Educators and Policy-Makers as the basis for this position. The central principles reflected in the text of this guide were as follows: 1) First, the goals of promoting high educational standards and ensuring nondiscrimination are complementary objectives. 2) Second, when tests, including large-scale standardized tests, are used in valid, reliable, and educationally appropriate ways, their use is not inconsistent with federal nondiscrimination laws. 3) Third, a test score disparity among groups of students does not alone constitute discrimination under federal law. The Guide states that the goal of the federal legal standards is to help promote accurate and fair decisions that have real consequences for students, not to water down academic standards or deter educators from establishing and applying sensible and rigorous standards. In fact, properly understood, the legal standards are an aid to meaningful education reform--by helping to ensure that instruction and assessments are aligned and structured to promote the high-level skills and knowledge that rigorous standards seek for all children. Test accommodations are intended to provide the person with disabilities the means by which to demonstrate the skills and knowledge being tested. This does not equate to a requirement to change, lower, waive or eliminate academic requirements or technical standards. In summary, based upon these principles, certain members of the Work Group did not support reading aloud the reading test for students with disabilities.

2. RECOMMENDATIONS FOR **Nevada State Board of Education**
CONSIDERATION AND POSSIBLE ACTION

#	DISCUSSION TOPIC	RECOMMENDATION
II2A	Limited accommodations allowed in **setting**	The allowable accommodations and modifications for students taking the proficiency exams through an individual administration should include the following if the IEP team recommends such use. ❖ Allow the student freedom to move, stand or pace during individual administration of the test. ❖ Allow the student to have soft calming music playing in the background during an individual administration of the proficiency exam.
II2B	Limited accommodations allowed in **timing and scheduling**	The allowable accommodations and modifications for the administration of the HSPE should include allowing more flexibility for breaks with completion of the exam within a maximum of two days for each content area.
II2 C	Limited accommodations allowed in **presentation.**	The following accommodations and modifications as identified by the IEP team for an individual student with disabilities should be allowed for administration of specific tests as indicated. a1) The administration of the proficiency exam should include the option of allowing the use of augmentative communication devices. a2) The administration of the proficiency exam should include the option of allowing the use of text talk converters if recommended by the IEP team as required for the student. a3) The administration of the math and science (when implemented) proficiency exam should include the option of allowing the directions and the test items to be read to the student by a computer or orally by an individual who has been appropriately trained in the use of standardized proctoring practices. b) Test proctors should be informed of IEP decisions regarding accommodations to assist students with disabilities regarding appropriate presentation options for students with disabilities.

#	DISCUSSION TOPIC	RECOMMENDATION
II2 D	Limited accommodations allowed in **response.**	4a). The following accommodations and modifications as identified by the IEP team for an individual student with disabilities should be allowed for use by the student in preparing a response to the specific test items as indicated. a1) The student should be allowed to use spell checking techniques in preparing responses to the test items on the writing proficiency exam. a2) Currently students are allowed to use tape recorded responses on the math and reading proficiency exams. The use of tape recorded responses should continue to be allowed as an accommodations and modification for recording responses on the reading and math proficiency exams Currently allowable accommodations and modifications for the writing proficiency exam include the use of dictation to an individual who has been appropriately trained in recording standardized assessment responses. It is recommended that the allowable accommodations and modifications for the writing proficiency exam include the use of tape recorders as well. a3) The use of a word processor or computer to record responses should continue to be allowed. a4) The ACR 16 work group was unable to reach consensus on the use of computerized grammar check programs for students recording responses on the writing proficiency exam. The majority of the work group recommended that grammar check programs be included as allowable accommodations and modifications. **NOTE: NO CONSENSUS** 4b) The use of calculators should remain as an approved accommodation and modification for recording students responses on the math and science (when implemented) proficiency exams.
II2E	Limited accommodations allowed in **other areas**	Students with disabilities should be instructed on additional test taking strategies.

1. RECOMMENDATIONS FOR **Nevada Department of Education** CONSIDERATION AND POSSIBLE ACTION

#	DISCUSSION TOPIC	RECOMMENDATION
II3A	APPROVAL PROCESS Students with disabilities are sometimes not allowed to use accommodations and modifications appropriate to meet their needs on the proficiency exams due to a number of factors. These factors include the approval process, limited public awareness of the allowable accommodations and modifications, timeliness of information, etc. a) The decision regarding allowances of accommodations and modifications is currently made at the state or local test director's level relative to ensuring that the accommodation or modifications do not invalidate a test. The IEP team best addresses the needs of a student with disabilities. There is a concern that the specific needs for a student with a disability are not considered as a part of the current process when deciding which accommodations to allow. b) IEP team members are not consistently aware of available accommodations and modifications. c) The approval process for granting of use of accommodations and modifications is unclear. Specifically, it is unclear if the approval of accommodations and modifications 1) Granted for one student, should be available for all students with disabilities. 2) Granted for a student for one year or one exam should continue to the next and subsequent administrations for a specific student with disabilities.	a) A process should be developed by the Nevada Department of Education to ensure that the decision at the state level regarding the approval of appropriate accommodations and modifications is made with consideration of information received from the IEP team in addition to maintaining the validity of the test. This process should include procedures to ensure that test directors and IEP team members receive appropriate training. b) The IEP team should receive more timely information regarding the list of approved accommodations and modifications and options for possible consideration for individual students. Public awareness strategies and improved distribution methods of information should be reviewed and adjusted. The Nevada Department of Education is encouraged to: 1) Update the current guidelines and add a date of the revisions on the cover of the revised document. 2) Widely disseminate the document and develop a process of public awareness that adequately communicates any revisions with site based personnel. 3) Distribute the document in a timely manner such that it is available for IEP team members in the spring of the year preceding the coming school year for the student. c) The Nevada Department of Education should issue a technical assistance document clarifying the approval process when the IEP team is pursuing an accommodation or modification that is not on the list of approved accommodations or modifications. Clarification should specifically address the following: 1) All requests for use of accommodation and modifications must be submitted for individual students. Approved accommodations and modifications apply only to the individual student for which it was approved. 2) An accommodation or modification approved once for an individual student may continue to be approved: c)2)a) If the IEP determines that the needs of the student require the accommodation or modification; and c)2)b) If the proficiency exam content has not changed.

III. RECOMMENDATIONS REGARDING OTHER TOPICS THAT SHOULD BE CONSIDERED FOR STUDENTS WITH DISABILITIES

1. RECOMMENDATIONS FOR Nevada State Legislature CONSIDERATION AND POSSIBLE ACTION

#	DISCUSSION TOPIC	RECOMMENDATION
III1A	Limited opportunities for remediation exist for students with disabilities. a) There are inadequate resources to provide the necessary remediation services for students with disabilities. b) Test results take too long to return to site limiting amount of time available for remediation.	a) The Nevada State Legislature is encouraged to amend statutory language to authorize state funded remediation programs for all students with disabilities. b) The Nevada State Legislature is encouraged to amend the statute to allow adequate resources and amended timelines to expedite the process.
III1B	Millennium Scholarships are only available for students graduating with a standard diploma. This significantly reduces the number of students with disabilities eligible to receive the scholarship who may be interested in pursuing higher education or vocational/work force/occupational education opportunities.	The Nevada State Legislature is encouraged **to clarify that it intended to allow students with disabilities who graduate with an adjusted diploma are eligible for a Millennium Scholarship.** **The Nevada State Board of Education is encouraged to modify the criteria to accept an adjusted diploma as eligible for a Millennium Scholarship.** If this is not an option, **statutory language should be amended to require that the Board of Regents award a Millennium Scholarship to eligible students with disabilities who have completed high school and been awarded an adjusted diploma and who successfully complete 12 units of coursework in a university or community college setting within the University and Community College System of Nevada in accordance with the current requirements for the Millennium scholarship.** Further, **it is recommended that the student should receive the scholarship benefit retroactively.**

2. RECOMMENDATIONS FOR Nevada Department of Education CONSIDERATION AND POSSIBLE ACTION

#	DISCUSSION TOPIC	RECOMMENDATION
III2A	Limited opportunities for remediation exist for students with disabilities due to inadequate resources to provide the necessary remediation services for students with disabilities. a) Students with disabilities do not always have access to remediation services provided for general education students. It is unclear as to who should provide these services, when and how. b) Test results take too long to return to site limiting amount of time available for remediation	a) The Nevada Department of Education should assist local school districts to ensure that if a remediation program or service exists within a school system, students with disabilities have equal access to appropriate remediation services. The supports, if necessary to access remediation services, should be provided through the student's special education service system as identified on the IEP using state and/or federal special education funding. c) The Nevada Department of Education should include a more aggressive timeline in the next request for proposals for contracted services to expedite the process to the extent possible.

IV. RECOMMENDATIONS REGARDING OTHER TOPICS THAT WERE CONSIDERED BY THE ACR 16 WORK GROUP HOWEVER WERE DETERMINED TO BE OUTSIDE THE SCOPE OF THE ARC 16 WORK GROUP RESPONSIBILITIES.

#	DISCUSSION TOPIC	RECOMMENDATION
IVA	Limited accommodations allowed in **other areas including computerized testing.**	The high school proficiency exam should be available for administration on a computer for all students. The Nevada State Legislature is encouraged to approve adequate funding to support the development of the system at the state level and implementation of the system at the local level.
IVB	The emphasis on the same academic standards for all students has reduced the elective and occupational coursework options, transitional opportunities, and opportunities to receive a standard diploma resulting in a disparate impact on all students.	The Nevada State Legislature is encouraged to amend statutory language to develop an additional option for a diploma for all students and to approve adequate resources to fund a pilot program. a) Requirements for an additional diploma option should be identified **for all students** at a level consistent with a standard diploma requiring the demonstration of minimum competency skills in core academic areas of study and specific skills in vocational areas in accordance within the student's interests. b) Students would be required to pass the proficiency exams using a different cut score established for this diploma option or demonstrate proficiency on an alternate assessment should one be adopted. c) The diploma option would be equivalent to a standard diploma.
IVC	Limited accommodations allowed in **response.** Consider: Add such things as: Allow the use of calculators for all students	The Nevada Department of Education is encouraged to allow the use of calculators as an approved accommodation for all students for recording students responses on the math and science (when implemented) proficiency exams.

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